

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITON No.40690 of 2018

ORDER:

The case of the petitioner is that he has been in occupation and possession of Cooperative Joint Farming Society land admeasuring Ac.2-00 cents in sy.No.277/13 situated in Kagithalapur village and cultivating the same till date since 25 years. After preparing field measurement sketch, conducting survey, the surplus CJFS land in sy.No.277 has been subdivided in Kagithalapur village and handed over to various beneficiaries including the petitioner and the name of petitioner was mutated in revenue records. The petitioner has also covered the subject land into prawn culture pond in the year 2016. Respondent No.6 in collusion with one Yellasiri Venkataramana Reddy attempted to interfere with the land of the petitioner. On that, the petitioner filed suit in O.S.No.204 of 2016 on the file of Principal Junior Civil Judge's Court, Gudur against respondents 3, 4 and 6 and the same is pending. Meanwhile, the name of petitioner was deleted as possessor of subject land. It is also stated that the petitioner made a request on 03-11-2018 to respondents 2 to 4 to re-enter his name in possession holder column. Further the petitioner is in apprehension of issuance of possession certificate or patta in favour of third parties including respondent No.6 pursuant to illegal entries made in revenue record. Hence this writ petition is filed to restrain respondents 2 to 5 in granting possession

certificate or patta in favour of respondent No.6 or third parties.

Admittedly, the petitioner filed O.S.No.204 of 2016 against respondents 3, 4 and 6 and even according to writ affidavit, it is not stated that any injunction is granted in favour of the petitioner. Having availed the remedy of filing suit, the petitioner cannot again maintain the present writ petition. The petitioner cannot avail parallel remedies one by one by way of suit and writ petition simultaneously.

In view of the same, I am not inclined to entertain the writ petition.

Accordingly, the writ petition is disposed of granting liberty to the petitioner to work out alternative remedies available to him. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

13-11-2018
Nvl

A.RAJASHEKER REDDY,J



